

REMARKS

Introduction

Claims 11-15 are pending in the above-identified patent application. Patent claims 1-10 and added claims 16-22 were previously canceled.

In accordance with 37 CFR 1.173(a)(1), applicant has enclosed a copy of a Certificate of Correction to the original patent, U.S. Patent No. 5,365,282, dated April 25, 1995.

On August 3, 2009, applicant filed a Reply to Office Action including the following items:

- A. Amendments to the Specification;
- B. Amendments to the Claims;
- C. Reissue Application Declaration by the Inventor;
- D. Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 CFR 1.175).

On December 9, 2009, a Notice of Non-Compliant Amendment (37 CFR 1.121) was issued by the Examiner. In the Notice, the Examiner indicates that the amendments to the claims, submitted with the Reply to Office Action on August 3, 2009, are non-compliant in view of the requirements recited in 37 CFR 1.173(d)(1) and 37 CFR 1.173(d)(2).

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Telephonic Interview Summary

On January 13, 2010, a telephonic interview took place between the Examiner and the undersigned. The undersigned wishes to thank the Examiner for the courtesies extended during the telephonic interview.

During the telephonic interview, undersigned and the Examiner discussed the Notice of Non-Compliant Amendment. In particular, the amendments to the specification and the

amendments to the claims were discussed in detail in view of the requirements under 37 CFR 1.173. The following remarks review and expand on the substantive discussion that took place over the course of the telephonic interview.

Applicant's Response

In the Notice of Non-Compliant Amendment (37 CFR 1.121), the Examiner indicates that the amendments to the claims, submitted with the Reply to Office Action on August 3, 2009, are non-compliant in view of the requirements recited in 37 CFR 1.173(d)(1) and 37 CFR 1.173(d)(2). Specifically, 37 CFR 1.173(d) recites:

Changes shown by markings. Any changes relative to the patent being reissued which are made to the specification, including the claims, upon filing, or by an amendment paper in the reissue application, must include the following markings:

(1) The matter to be omitted by reissue must be enclosed in brackets; and

(2) The matter to be added by reissue must be underlined [...].

Applicant respectfully submits that the amendments to the claims, as submitted with the Reply to Office Action on August 3, 2009, satisfy the requirements under 37 CFR 1.173(d). In particular, all amendments are shown relative to the original patent, with all omitted limitations bracketed and all added limitations underlined.

In addition, applicant submits that the claim amendments satisfy the additional requirements recited by 37 CFR 1.173(b)(2). The Reply to Office Action dated August 3, 2009 included the entire text of each claim that was

changed together with the appropriate parenthetical expression following the claim number. All canceled patent claims and all canceled added claims properly included a statement to that effect without presentation of the claim text.

Furthermore, applicant submits that the amendments to the specification, as submitted with the Reply to Office Action on August 3, 2009, satisfy the requirements under 37 CFR 1.173. The specification was amended to incorporate the changes made by the Certificate of Correction to the original patent, U.S. Patent No. 5,365,282, on April 25, 1995. In compliance with MPEP 1411.01, applicant included the changes made by the Certificate of Correction without underlining or bracketing.

Accordingly, for at least the foregoing reasons, applicant respectfully submits that the Notice of Non-Compliant Amendment should be withdrawn.

Conclusion

For at least the reasons set forth above, applicant respectfully submits that this application is in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

/Michael J. Chasan/

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,365,282

DATED : November 15, 1994

INVENTOR(S) : Levine, Michael R.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, lines 16-17: Replace "units addition" with --units in addition--.

Column 2, line 14: Replace "another" with --and the--.

Column 4, line 56: Replace "brands T.V." with --brands of T.V.--.

Signed and Sealed this
Twenty-fifth Day of April, 1995



BRUCE LEHMAN

Commissioner of Patents and Trademarks

Attest:

Attesting Officer